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10/064,574	07/28/2002	Richard David Davis	RD01	3239

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EXAMINER

NGUYEN, PHUNG

ART UNIT

PAPER NUMBER

2632

DATE MAILED: 07/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/064,574

Applicant(s)

DAVIS, RICHARD DAVID

Examiner

Phung T Nguyen

Art Unit

2632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 28 July 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All   b) ☐ Some \*   c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Drawings***

1. The drawings are objected to because all blocks in figures 3-5 are not labeled with descriptive legend as required by 37 CFR 1.84(o). Correction is required.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2, 4, and 6-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Friedman (U.S. Pat. 5,337,041).

**Regarding claim 1:** Friedman discloses a personal safety guard system for stray person or pet which comprises all subject matter as follows:

a. a transmitter 10 that comprises broadcasting means for broadcasting signals and control means 28 for turning the broadcasting means on and off (figure 1, col. 5, lines 3-38); and a receiver 50 attachable to the pet that can receive the signals (figure 4, col. 3, lines 41-46) and comprises electronic means for recording a human voice (col. 11, lines 9-26), a switch for turning the electronic means on and off (col. 13, lines 10-17), an amplifier 226 and a speaker 68 (col. 9, lines 44-51).

**Regarding claim 2:** Friedman discloses the receiver is part of a collar that fits around the neck of the pet as seen in figure 4, col. 3, lines 41-46).

**Regarding claim 4:** Friedman discloses the receiver including at least one light controlled by a signal (col. 11, lines 9-14).

**Regarding claim 6:** Friedman discloses the transmitter is powered by at least one battery (col. 5, lines 31-33).

**Regarding claim 7:** Friedman discloses the receiver is powered by at least one battery (col. 6, lines 24-30).

**Regarding claim 8:** Friedman discloses the signals are encoded and are decoded by the receiver (col. 8, lines 15-18).

**Regarding claim 9:** Friedman discloses the signals are radio signals (col. 4, lines 6-10).

**Regarding claim 10:** Friedman discloses the electronic means and the broadcasting means (col. 10, lines 22-28) and recording thereon a human voice (col. 11, lines 14-26).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Friedman (U.S. Pat. 5,337,041).

**Regarding claim 3:** Friedman discloses the pet (col. 1, lines 11-14) but does not specifically show the pet is a dog as claimed. However, it would have been obvious to recognize that pet is an animal kept for companionship including a dog.

6. Claims 5, and 11-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Friedman in view of Bonge, Jr. (U.S. Pat. 5,872,516).

**Regarding claim 5:** Friedman discloses broadcasting at least two signals visual and audible alarm indicators (col. 11, lines 9-25). Friedman does not teach broadcasting two signals, one to turn on the recording and another to turn on the light. However, Bonge, Jr. discloses an ultrasonic transceiver and remote controlled devices for pets comprising two individually modulated signals (col. 2, lines 52-57). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teaching of Bonge, Jr. in the system of Friedman because they both teach a system for assisting in the recovery of a stray pet. It is seen that broadcasting at least two signals of Bonge, Jr. would increase the flexibility of Friedman's system by separately controlling the visual and audible alarm indicators.

**Regarding claim 11:** Friedman discloses all the claimed subject matter as follows:

- a. a transmitter 10 (col. 5, lines 3-7);
- b. control means for turning the broadcasting means on and off (col. 5, lines 31-33);
- c. battery for powering the transmitter (col. 5, lines 43-49);
- d. a receiver 50 in the form of a collar (figure 4, col. 3, lines 41-46, and col. 6, lines 13-19);
- e. a light 64 (col. 11, lines 9-14);
- f. electronic means for recording a human voice and for turning on the recording when a sound signal is received (col. 11, lines 9-26);
- g. amplifying the recording and a speaker 68 for converting the amplified recording into sound (figure 11, col. 9, lines 44-51);

Art Unit: 2632

h. turning on the light when a light signal is received (col. 11, lines 9-14);

i. at least one battery for powering the receiver (col. 6, lines 24-30);

Friedman discloses broadcasting at least two signals visual and audible alarm indicators (col. 11, lines 9-25). Friedman does not teach broadcasting a radio sound signal and a radio light signal as claimed. However, Bonge, Jr. discloses an ultrasonic transceiver and remote controlled devices for pets comprising two individually modulated signals (col. 2, lines 52-57). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teaching of Bonge, Jr. in the system of Friedman because they both teach a system for assisting in the recovery of a stray pet. It is seen that broadcasting at least two signals of Bonge, Jr. would increase the flexibility of Friedman's system by separately controlling the visual and audible alarm indicators.

**Regarding claim 12:** Friedman discloses the signals are encoded and the receiver including a decoder (col. 8, lines 15-28).

**Regarding claim 13:** Friedman discloses turning the electronic means on (col. 10, lines 25-28) and recording thereon a human voice (col. 11, lines 14-26) and broadcasting a sound signal on the transmitter (col. 10, lines 65-68 and col. 11, lines 1-26).

**Regarding claim 14:** Friedman discloses broadcasting a light signal on the transmitter (col. 10, lines 65-68, and col. 11, lines 1-14).

**Regarding claim 15:** Friedman discloses all subject matter as follows:

a. a transmitter 10 (col. 5, lines 3-7);

b. battery for powering the transmitter (col. 5, lines 43-49);

c. a receiver 50 in the form of a collar (figure 4, col. 3, lines 41-46, and col. 6, lines 13-19);

d. means for receiving and decoding the encoded radio signals (col. 10, lines 65-68, and col. 11, lines 1-14);

e. electronic means for recording a human voice (col. 11, lines 14-26);

f. amplifying the recording and a speaker 68 for converting the amplified recording into sound (figure 11, col. 9, lines 44-51);

g. turning on the recording when a sound signal is received (col. 11, lines 3-26);

h. battery for powering the receiver (col. 6, lines 24-30);

Friedman discloses the high intensity lamps 64, 66, and 82 to flash on and off when a light signal is received (col. 11, lines 9-14) but does not show turning on the light emitting diode when a light signal is received. Since they perform the same function, it would have been obvious to the skilled artisan to use the light emitting diode instead of the lamps 64, 66, and 82 for serving as a visual alarm indicator.

Friedman discloses broadcasting at least two signals visual and audible alarm indicators (col. 11, lines 9-25). Friedman does not teach broadcasting at least two encoded radio signals including a sound signal and a light signal; and control means for selecting and broadcasting a particular signal as claimed. However, Bonge, Jr. discloses an ultrasonic transceiver and remote controlled devices for pets comprising two individually modulated signals (col. 2, lines 52-57). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teaching of Bonge, Jr. in the system of Friedman because they both teach a system for assisting in the recovery of a stray pet. It is seen that broadcasting at least two

Art Unit: 2632

signals of Bonge, Jr. would increase the flexibility of Friedman's system by separately controlling the visual and audible alarm indicators.

**Regarding claim 16:** Refer to claim 13 above.

**Regarding claim 17:** Refer to claim 14 above.

***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Arthur et al. [U.S. Pat. 5,207,179] disclose a pet confinement system.
- b. Rubinstein [U.S. Pat. 3,843,841] discloses a remotely actuated automatic telephone care system.
- c. Valente [U.S. Pat. 6,369,698] discloses a device with interval playback for pets and infants.
- d. Tobias [U.S. Pat. 4,967,696] discloses a dog collar.
- e. Haner [U.S. Pat. 6,396,403] discloses a child monitoring system.
- f. Printz [U.S. Pat. 6,003,473] discloses a pet identification and retrieval device.
- g. Mistry [U.S. Pat. 5,355,839] discloses an animal identification device utilizing a microcassette.
- h. Yarnall, Sr. et al. [U.S. Pat. 4,745,882] disclose an electronic confinement and communications arrangement for animals.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phung T Nguyen whose telephone number is 703-308-6252. The



Art Unit: 2632

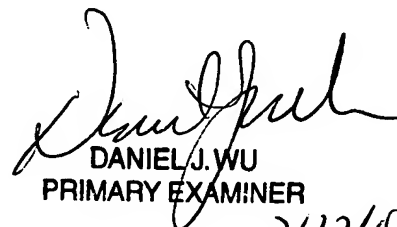
examiner can normally be reached on 8:00am-5:30pm Mon thru. Friday, with alternate Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J. Wu can be reached on 703-308-6730. The fax numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-308-9051 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-0377.

Examiner: Phung Nguyen

Date: July 21, 2003

  
DANIEL J. WU  
PRIMARY EXAMINER  
7/27/03